

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CARL W. CUNNINGHAM

Petitioners,

v.

ALICE PAYNE,

Respondent.

Case No. C05-5293FDB

ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Court having reviewed the Report and Recommendation of the Hon. Karen L. Strombom United States Magistrate Judge, and the remaining record, and no objections having been filed, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) The petition is **DISMISSED WITHOUT PREJUDICE** on petitioner's motion.
- (3) The clerk is directed to send copies of this Order to Petitioner, counsel for respondent and to the Hon. Karen L. Strombom.

DATED this 24th day of August 2005.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE